

**CITY COUNCIL MEETING
APRIL 16, 2002**

Date & Time On the 16th day of April, A.D., 2002, the City Council of the City of Fort Worth, Texas, met in regular session at 10:01 a.m. in the City Council Chamber, 1000 Throckmorton, with the following members and officers present:

Attendance Mayor Kenneth Barr; Mayor Pro tempore Ralph McCloud; Council Members Jim Lane, Chuck Silcox, Frank Moss, Clyde Picht, Jeff Wentworth, and Wendy Davis; City Manager Gary Jackson; City Attorney David Yett; City Secretary Gloria Pearson. Council Member Becky Haskin was absent. With more than a quorum present, the following business was transacted:

Invocation The invocation was given by Reverend R. W. Bosworth, All Saints Episcopal Church.

Pledge The Pledge of Allegiance was recited.

Minutes On motion of Council Member Moss, seconded by Council Member Lane, the minutes of the regular meeting of April 9, 2002, were approved unanimously.

Announcements Council Member Picht announced that he was pleased to see the last B-36 aircraft built by the Lockheed Plant on display. He expressed his appreciation to several Lockheed representatives who provided a tour of the plant and stated that the City needed to find the B-36 a permanent home in Fort Worth, perhaps in a future Aviation Museum.

 Council Member Moss expressed his appreciation to Richard Zavala, Parks and Community Services (PACS) Director, and the PACS Department for their efforts in making the opening of the new Eugene McCray Center last Saturday a very successful event. He announced that the quarterly meeting of board and commission members from District 5 would be held at the Center, April 20, 2002, at 9:00 a.m. and invited everyone interested to attend.

 Council Member Lane echoed Mr. Picht's remarks relative to the B-36 and added that a permanent home had to be located for the aircraft. He also commended all the people who put on a very successful race at the Texas Motor Speedway on April 8, 2002. He added that it was a tribute to the sport when over 200,000 people attend such an event held on a Monday.

Mayor Barr announced that a Solid Waste Open House would be held April 22, 2002, from 6:30 p.m. to 8:30 p.m. at the Fort Worth Convention Center in the East Conference Rooms E101-103. He stated that it would be a great meeting and would provide an opportunity for citizens to have dialog with the staff.

**Special
Presentations**

Council Member Davis presented a Proclamation for Equal Pay Day to Kathleen Hicks who accepted the proclamation as Chair of the Fort Worth Commission on the Status of Women.

**Withdrawn from
Consent Agenda**

City Manager Jackson requested that Mayor and Council Communication Nos. C-19050 and P-9578 be withdrawn from the consent agenda.

**Continued/
Withdrawn By
Staff**

City Manager Jackson requested that Mayor and Council Communication Nos. C-19035 be withdrawn from the agenda, and that P-9578 be continued for one week.

Consent Agenda

On motion of Council Member Silcox, seconded by Council Member Wentworth, the consent agenda, as amended, was adopted unanimously.

**Res. #2826
Issuance of
Multifamily
Housing
Revenue Bonds**

There was presented Resolution No. 2826 by the City Council of the City of Fort Worth, authorizing the Mayor of the City of Fort Worth to execute a certificate approving the issuance of Multifamily Housing Revenue Bonds by the Trinity River Public Facility Corporation for Overton Park Townhomes, 5501 Overton Ridge Blvd. Council Member Silcox made a motion, seconded by Council Member Wentworth, that the resolution be adopted. The motion carried unanimously.

**Res. #2827
Appoint
Alternate
Director to
Board of
Directors of
Workforce
Governing
Board**

There was presented Resolution No. 2827 by the City Council of the City of Fort Worth, appointing Ralph McCloud as an Alternate Director to the Board of Directors of the Workforce Governing Board. Council Member Moss made a motion, seconded by Council Member Silcox, that the resolution be adopted. The motion carried unanimously.

**OCS-1276
Claims**

There was presented Mayor and Council Communication No. OCS-1276 from the Office of the City Secretary recommending that the City Council refer notices of claims regarding alleged damages and/or injuries to the Finance Department. It was the consensus of the City Council that the recommendation be adopted.

**G-13589
Ord. #15073
PHEC Phase II
Infrastructure
Improvements**

There was presented Mayor and Council Communication No. G-13589 from the City Manager recommending that the City Council authorize the City Manager to reallocate and transfer a total of \$878,074.43 in Community Development Block Grant (CDBG) funds for Polytechnic Heights Educational Corridor (PHEC) Phase II Infrastructure Improvements as follows:

- a) Reallocate \$320,331.00 in CDBG Home Improvements Program (HIP) funds for PHEC Phase II Infrastructure Improvements; and
- b) Reallocate \$109,000.00 in deobligated CDBG funds to PHEC Phase II Infrastructure Improvements; and
- c) Transfer \$448,743.43 in CDBG HIP income generated from home improvement loan repayments to PHEC Phase II Infrastructure Improvements; and
- d) Adopt Appropriation Ordinance No. 15073 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$448,743.43 from available funds for the purpose of funding Phase II Infrastructure Improvements in the Polytechnic Heights Educational Corridor.

It was the consensus of the City Council that the recommendation be adopted.

**G-13590
Settlement of
Lawsuit – Teresa
Baumgardner vs.
Dudley J. Seals,
III, Individually &
City of Fort
Worth, Cause No.
96-187784-01**

There was presented Mayor and Council Communication No. G-13590 from the City Manager recommending that the City Council approve the settlement of the referenced lawsuit; and authorize the expenditure of \$50,000.00, plus \$861.00 in taxable court costs, in order to complete this settlement; and authorize the City Attorney to agree to a settlement reflecting the terms of this settlement, and authorize the appropriate City personnel to execute any releases and agreements necessary to complete the settlement. It was the consensus of the City Council that the recommendation be adopted.

**G-13591
Extension of
Injury Leave-of-
Absence Pay for
Police Officer
Markus Y.
Russell**

There was presented Mayor and Council Communication No. G-13591 from the City Manager recommending that the City Council approve a three-month extension of injury leave-of-absence pay benefits for Police Officer Markus (Mark) Y. Russell. It was the consensus of the City Council that the recommendation be adopted.

**G-13592
Temporary
Street Closures
During
MasterCard
Colonial Golf
Tournament for
Year 2002**

There was presented Mayor and Council Communication No. G-13592 from the City Manager recommending that the City Council approve the request of Colonial Country Club to temporarily close the 2000 block of Rogers Avenue from Riverfront Drive to Colonial Parkway, the 3700 block of Country Club Circle, the 3700, 3800 and 3900 blocks of Mockingbird Lane including Mockingbird Court, and the 3600 and 3700 block of Cantey Street between Highview Terrace West and the Texas Christian University parking lot during the period May 13-19, 2002, for the MasterCard Colonial Golf Tournament. It was the consensus of the City Council that the recommendation be adopted.

**G-13593
Waiver of
Zoning Change
Request
Application Fee
from Fort Worth
Area Habitat for
Humanity, Inc.**

There was presented Mayor and Council Communication No. G-13593 from the City Manager recommending that the City Council find that a waiver of the zoning change request application fee for Lot 12, Block 16 (3640 Saint Louis Avenue), Worth Heights Addition, carries out a public purpose; and find that there are sufficient controls to ensure the public purpose is carried out; and authorize a waiver of the zoning change request application fee totaling \$750.00. It was the consensus of the City Council that the recommendation be adopted.

**G-13594
Res. #2828
File Lawsuits to
Enforce Building
Standards
Commission
Civil Penalty
Order**

There was presented Mayor and Council Communication No. G-13594 from the City Manager recommending that the City Council:

1. Authorize the City Attorney's Office to file a lawsuit against the following property owners in order to enforce the Building Standards Commission civil penalty order:

<u>NAME</u>	<u>SUBJECT PROPERTY</u>	<u>CIVIL PENALTY</u>
Hedary Investment, Inc.	1219 East Elmwood Avenue	\$ 7,800.00
Michael Jefferson	3100 Avenue N	\$ 8,800.00
Norman T. Hoover	409 West Northside Drive	\$ 5,750.00
Leslie Powell & Loretta J. Williams	5329 Diaz Avenue	\$ 5,400.00
Jose Felix Vasquez	3228 Montague Street	\$12,250.00
Clara Bell Freeman	2541 Burton Avenue	\$13,000.00
John Villanueva	2813 East 4 th Street	\$15,000.00
M. C. Santos	909 East Hattie Street	\$15,200.00
J. R. and Maria A. Ramos	2718 Hemphill Street	\$14,900.00
Stella Barakis	2709 Hemphill Street	\$14,400.00

2. **Adopt Resolution No. 2828 authorizing the City Attorney to file lawsuits to finalize Building Standards Commission civil penalties orders pursuant to Chapter 54 and 214 of the Texas Local Government Code and Section 7-103 of the City Code.**

City Attorney Yett stated that an amended resolution had been provided to Council that accurately reflected affected property owners.

Council Member Wentworth made a motion, seconded by Council Member Silcox, that the recommendation be adopted, as amended. The motion carried unanimously.

Public Hearing

It appeared that the City Council set today as the date for a public hearing regarding the establishment of Standards of Care for youth programs in the Parks and Community Services Department. Mayor Barr asked if there was anyone present desiring to be heard.

Richard Zavala, Parks and Community Services Department Director, appeared before Council, gave a staff report, and called attention to Mayor and Council Communication No. G-13595, as follows:

**G-13595
Ord. #15074
Standards of
Care for Youth
Programs**

There was presented Mayor and Council Communication No. G-13595 from the City Manager recommending that the City Council adopt Ordinance No. 15074 readopting the Standards of Care for youth programs offered by the Parks and Community Services Department.

There being no one else present desiring to be heard in connection with the establishment of Standards of Care for youth programs in the Parks and Community Services Department, Council Member Wentworth made a motion, seconded by Council Member Lane, that the public hearing be closed and that Mayor and Council Communication No. G-13595 be adopted. The motion carried unanimously.

**G-13596
Ord. #15075
Ord. #15076
Perform Survey
Services Related
to Alternative
Annexation
Schedule**

There was presented Mayor and Council Communication No. G-13596 from the City Manager recommending that the City Council:

1. **Approve the alternative schedule for annexation consideration in calendar year 2002 for the Far West Areas 2 and 3, Eagle Mountain Zone and 287 Zone; and**

- 2. Adopt Supplemental Appropriation Ordinance No. 15075 appropriating \$142,500.00 in the General Fund, and decreasing the unreserved, undesignated General Fund Balance by the same amount for the purpose of funding authorization to perform survey services related to the alternative annexation schedule; and**
- 3. Authorize the transfer of \$107,500.00 from the Water and Sewer Operating Fund to the Sewer Capital Project Fund; and**
- 4. Adopt Appropriation Ordinance No. 15076 increasing the estimated receipts and appropriations in the Sewer Capital Project Fund in the amount of \$107,500.00 from available funds for the purpose of funding authorization to perform survey services related to the alternative annexation schedule.**

Jim Munkittrick **Mr. Jim Munkittrick, 10307 Round Hill Road, appeared before Council in opposition of the annexation.**

Darlia Hobbs **Ms. Darlia Hobbs, 8113 Anchorage Place, appeared before Council in opposition of the annexation.**

Jim Schell **Mr. Jim Schell, 901 Fort Worth Club, representing the Fort Worth Boat Club, appeared before Council and provided alternative plans for surveying the proposed annexed area. He asked Council to consider dividing the 35 square miles into logical sub-areas for study and survey each of these sub-areas. He further requested that the City also take in the unpopulated rural areas, which would not burden owners, following the ETJ lines, approve the survey of the first area, and delay surveying the balance until there was more study.**

Mr. Bob Riley, Development Department Director, appeared before Council and stated that it would be more feasible to have the large areas surveyed and it would be easier to reduce the areas once the property was surveyed. He stated that after Mr. Schell's proposals were studied by staff, an amendment to the ordinance could be brought back to Council incorporating Mr. Schell's recommendations.

After a lengthy discussion Council Member Davis made a motion, seconded by Mayor Pro tempore McCloud, that Mayor and Council Communication No. G-13596 be approved and staff encompass sub-zones within the three large defined areas which would allow the City Council the option to determine if some of the zones should be excluded. The motion carried by the following vote:

AYES: Mayor Barr; Mayor Pro tempore McCloud;
Council Members Lane, Moss, Wentworth,
and Davis

NOES: Council Members Silcox and Picht

ABSENT: Council Member Haskin

**P-9575
Service Trucks**

There was presented Mayor and Council Communication No. P-9575 from the City Manager recommending that the City Council authorize the purchase of three service trucks from Metro Ford Truck Sales, Inc. for the Water Department from the overall low bid at a cost not to exceed \$311,985.00, with payment due 30 days from the date of the invoice, with freight included in the unit price. It was the consensus of the City Council that the recommendation be adopted.

**P-9576
Topsoil**

There was presented Mayor and Council Communication No. P-9576 from the City Manager recommending that the City Council authorize a purchase agreement with SB Trucking Asphalt & Excavating Company to furnish topsoil for the City of Fort Worth based on the low bid of unit prices meeting specifications. Payment would be due 30 days after receipt of the invoice; and authorize this agreement to begin April 16, 2002, and expire April 15, 2003, with options to renew for two additional one-year periods. It was the consensus of the City Council that the recommendation be adopted.

**P-9577
Asynchronous
Transfer Mode
Fiber-Optic
Transmission
Equipment**

There was presented Mayor and Council Communication No. P-9577 from the City Manager recommending that the City Council authorize the purchase of additional Asynchronous Transfer Mode fiber-optic transmission equipment, installation and maintenance from Marconi Communications for the Transportation and Public Works Department using the state catalogue purchasing procedure for an amount not to exceed \$60,014.35, with payment due 30 days from the date of the invoice. It was the consensus of the City Council that the recommendation be adopted.

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| P-9578
Continued for
One Week | It was the consensus of the City Council that Mayor and Council Communication No. P-9578, Purchase Agreement for Litter Removal with Goodwill Industries through the Texas Industries for the Blind and Handicapped for the Parks and Community Services Department, be continued for one week. |
| P-9579
Laboratory
Services | There was presented Mayor and Council Communication No. P-9579 from the City Manager recommending that the City Council ratify the purchase of laboratory services from Lab Source for the City of Fort Worth Employee Health Wellness Fair. Council Member Lane made a motion, seconded by Council Member Davis, that the recommendation be adopted. The motion carried unanimously. |
| L-13279
Land
Acquisition | There was presented Mayor and Council Communication No. L-13279 from the City Manager recommending that the City Council approve the acquisition of a 3,780 square foot parcel of land described as Lot 1B, Block 4 less Tri-out (Southwest corner of Cherry Street and 13 th Street), Jennings West Addition, Tarrant County, Texas, at a cost of \$45,000.00, plus estimated closing costs of \$2,000.00. It was the consensus of the City Council that the recommendation be adopted. |
| L-13280
Permanent
Utility Easement | There was presented Mayor and Council Communication No. L-13280 from the City Manager recommending that the City Council approve the acceptance of one permanent utility easement described as A-1690, Samuel P. Survey, Tarrant County, Texas, from Hillwood Alliance Residential (DOE 3373) for a cost of \$10.00. It was the consensus of the City Council that the recommendation be adopted. |
| C-19035
Withdrawn | It was the consensus of the City Council that Mayor and Council Communication No. C-19035, Authorize the Closure of the Fort Worth Zoo's Aquarium, Demolish the Aquarium and Herpetarium, Construct a New Herpetarium, Amend City Secretary Contract No. 24455, and Reprogram 1998 Zoo Capital Improvement Program Bonds for Construction of the New Herpetarium, be withdrawn from the agenda. |
| C-19035 Revised
Fort Worth Zoo
Aquarium/
Herpetarium
Amendment to
CSC #24455 | <p>There was presented Mayor and Council Communication No. C-19035 Revised from the City Manager recommending that the City Council:</p> <ol style="list-style-type: none">1. Find that due to a material change in conditions, use of the 1998 Zoo Capital Improvement Program (CIP) bond funds for renovation of the Aquarium and construction of Lion Mountain and the Small Mammal Village is not prudent; and |

- 2. Authorize all remaining 1998 Fort Worth Zoo CIP bond funds in the amount of \$1,323,255.00 (designated for renovation of the Aquarium and Herpetarium and construction of Lion Mountain and the Small Mammal Village) to be reprogrammed for demolition of the existing Herpetarium and Aquarium and the construction of a new Herpetarium; and**
- 3. Authorize closure and demolition of the existing Aquarium and Herpetarium; and**
- 4. Authorize the City Manager to amend City Secretary Contract No. 24455 with the Zoological Association to eliminate the Aquarium, Lion Mountain, and the Small Mammal Village capital projects from the 1998 CIP bond funded projects and direct those funds to demolition of the existing Herpetarium and Aquarium and the construction of a new Herpetarium; and**
- 5. Find that the use of these funds for the Fort Worth Zoo development is within the voted purposes of the bonds.**

Council Member Wentworth made a motion, seconded by Mayor Pro tempore McCloud, that the recommendation be adopted. The motion carried unanimously.

**C-19048
Carter &
Burgess, Inc.**

There was presented Mayor and Council Communication No. C-19048 from the City Manager recommending that the City Council authorize the City Manager to execute an engineering services agreement with Carter & Burgess, Inc. to prepare the plans and specifications for North Beach Street from Vista Meadows Drive to Heritage Park Drive for a total cost of \$392,503.00. It was the consensus of the City Council that the recommendation be adopted.

Council Member Picht excused himself from the Council table at this time.

**C-19049
Ord. #15077
Dunaway
Associates, Inc.**

There was presented Mayor and Council Communication No. C-19049 from the City Manager recommending that the City Council:

- 1. Authorize the City Manager to transfer \$329,790.12 from the Water and Sewer Operating Fund to the Sewer Capital Project Fund in the amount of \$329,790.12; and**
- 2. Adopt Appropriation Ordinance No. 15077 increasing estimated receipts and appropriations in the Sewer Capital Project Fund in the amount of \$329,709.12 from available**

funds for the purpose of funding an agreement with Dunaway Associates, Inc. for Sanitary Sewer Replacement Contract LV (55); and

3. Authorize the City Manager to execute an engineering agreement with Dunaway Associates, Inc. in the amount of \$315,790.12 for Sanitary Sewer Rehabilitation Contract LV (55).

It was the consensus of the City Council that the recommendation be adopted.

C-19050
Ord. #15078
Change Order #2
to CSC #26709 –
McClendon
Construction
Company, Inc.

There was presented Mayor and Council Communication No. C-19050 from the City Manager recommending that the City Council:

1. Authorize the transfer of \$29,983.00 from the Water and Sewer Operating Fund to the Water Capital Project Fund in the amount of \$15,035.00, and the Sewer Capital Project Fund in the amount of \$14,948.00; and
2. Adopt Appropriation Ordinance No. 15078 increasing estimated receipts and appropriations in the Water Capital Project Fund in the amount of \$15,035.00 and the Sewer Capital Project Fund in the amount of \$14,948.00 from available funds for the purpose of funding McClendon Construction Company, Inc. for Water and Sanitary Sewer Line Replacements (Unit I) and Pavement and Storm Drain Improvements (Unit II, Alternate "A") on North Hughes Avenue (East Lancaster Avenue to Norma Street) and Meaders Street (Craig Street to 2404 Meaders Street); and
3. Authorize Change Order No. 2 in the amount of \$29,983.00 to City Secretary Contract No. 26709 with McClendon Construction Company, Inc. for water and sanitary sewer line replacements (Unit I) and pavement and drainage improvements (Unit II, Alternate A) on North Hughes Avenue (East Lancaster Avenue to Norma Street) and Meaders Street (Craig Street to 2404 Meaders Street), revising the original contract amount to \$727,582.00.

City Manager Jackson stated that the M&C needed to be amended to revise the contract amount in Recommendation No. 3 to read \$747,582.00 not \$727,582.00; and amend the April 10, 2001 award of contract amount in the first paragraph of the Discussion to read \$695,117.00 not \$675,117.00.

Council Member Davis made a motion, seconded by Council Member Silcox, to approve Mayor and Council Communication No. C-19050, as amended. The motion carried unanimously.

**C-19051
Freese &
Nichols, Inc.**

There was presented Mayor and Council Communication No. C-19051 from the City Manager recommending that the City Council authorize the City Manager to execute an engineering agreement with Freese & Nichols, Inc. for construction phase services for the Village Creek Wastewater Treatment Plant Upgrading Modifications, Phase IA, for a total fee not to exceed \$115,100.00. It was the consensus of the City Council that the recommendation be adopted.

**C-19052
RJN Group, Inc.**

There was presented Mayor and Council Communication No. C-19052 from the City Manager recommending that the City Council authorize the City Manager to execute an engineering agreement with RJN Group, Inc. in the amount of \$981,374.00 for the Main 189 Drainage Area Sanitary Sewer Evaluation Study and Improvements. It was the consensus of the City Council that the recommendation be adopted.

**C-19053
Ord. #15079
Grant from
Texas State
Library and
Archives
Commission**

There was presented Mayor and Council Communication No. C-19053 from the City Manager recommending that the City Council:

- 1. Authorize the City Manager to accept the Loan Star Libraries grant for the Fort Worth Public Library in the amount of \$77,797.00 from the Texas State Library and Archives Commission; and**
- 2. Authorize the City Manager to execute a grant agreement with the Texas State Library and Archives Commission relating to said grant; and**
- 3. Adopt Appropriation Ordinance No. 15079 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$77,797.00 from available funds for the purpose of accepting a grant from the Texas State Library and Archives Commission for the Loan Star Libraries Program.**

It was the consensus of the City Council that the recommendation be adopted.

**C-19054
Gehan Homes**

There was presented Mayor and Council Communication No. C-19054 from the City Manager recommending that the City Council authorize the City Manager to execute a Community Facilities Agreement with Gehan Homes for the installation of community facilities for Arcadia Park, Phase IV, Section 1. Council Member Davis made a motion, seconded by Mayor Pro tempore McCloud, that the recommendation be adopted. The motion carried unanimously.

**C-19055
Ord. #15080
D. R. Utilities,
Inc.**

There was presented Mayor and Council Communication No. C-19055 from the City Manager recommending that the City Council:

1. Authorize the transfer of \$318,476.50 from the Water and Sewer Operating Fund to the Water Capital Project Fund in the amount of \$269,514.00, and the Sewer Capital Project Fund in the amount of \$48,962.50; and
2. Adopt Appropriation Ordinance No. 15080 increasing estimated receipts and appropriations in the Water Capital Project Fund in the amount of \$269,514.00 and in the Sewer Capital Projects Fund in the amount of \$48,962.50 from available funds for the purpose of funding a contract to D. R. Utilities, Inc. for Water and Sanitary Sewer Replacements Contract 2001 WSM-A; and
3. Authorize the City Manager to execute a contract with D. R. Utilities, Inc. in the amount of \$283,086.50 for Water and Sanitary Sewer Line Replacements Contract 2001 WSM-A for 65 working days.

Council Member Moss made a motion, seconded by Council Member Lane, that the recommendation be adopted. The motion carried unanimously.

**Regular Zoning
Hearing**

It appeared to the City Council that Resolution No. 2818 was adopted on March 19, 2002, setting today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896 and that notice of the hearing had been given by publication in the Commercial Recorder, the official newspaper of the City of Fort Worth, on March 22, 2002. Mayor Barr asked if there was anyone present desiring to be heard.

**ZC-02-061
Approved**

Council Member Lane made a motion, seconded by Council Member Moss, that the application of Leticia Rodriguez for a change in zoning of property located at 2601, 2603, and 2605 Northwest 30th Street from "I" Light Industrial to "A-5" One-Family, Zoning Docket No. ZC-02-061, be approved. The motion carried unanimously.

Council Member Picht assumed his chair.

**ZC-02-045
Approved**

It appeared that the City Council, at its meeting of March 19, 2002, continued the hearing of the application of Lazaro and Manuela Plata for a change in zoning of property located at 2721 Hanna Avenue from "B" Two-Family to "E" Neighborhood Commercial, Zoning Docket No. ZC-02-045. (See Letter of Appeal). Mayor Barr asked if there was anyone present desiring to be heard.

Jesus Plata

Mr. Jesus Plata, 3510 Columbus, appeared before Council in opposition of the denial. He stated that a snow cone stand was not a negative for the neighborhood and that his zoning change was requested for only one of the three lots. He added that the local neighborhood association did not object to the zoning being changed to "PD/SU" Planned Development/Specific Use.

John Garfield, representing the Development Department, stated that the zoning could be changed to "PD/SU" Planned Development/Specific Use for operation of a snow cone stand, and requirement of a buffer was an automatic condition of the zoning.

There being no one else present desiring to be heard in connection with the application of Lazaro and Manuela Plata, Council Member Lane made a motion, seconded by Council Member Davis, that the zoning hearing be closed and that Zoning Docket No. ZC-02-045 be approved by changing the zoning to "PD/SU" Planned Development/Specific Use for operation of a snow cone stand, access restricted to the Hanna Street side, with waiver of site plan. The motion carried unanimously.

There being no one else present desiring to be heard in connection with the recommended changes and amendments to Zoning Ordinance No. 13896, Council Member Lane made a motion, seconded by Council Member Davis, that the hearing be closed and that the following ordinance be adopted:

ORDINANCE NO. 15081

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, SAME BEING AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY RESIDENCE AND OTHER PURPOSES, THE HEIGHT, NUMBER OF STORIES AND SIZE OF THE BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS AND OTHER OPEN SPACES, OFF-STREET PARKING AND LOADING, AND THE DENSITY OF POPULATION, AND FOR SUCH PURPOSES DIVIDING THE MUNICIPALITY INTO DISTRICTS AND THE BOUNDARIES THEREOF UPON "DISTRICT MAPS"; PURPOSE AND CONFLICT; PROVIDING CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND NAMING AN EFFECTIVE DATE.

The motion carried unanimously.

**Citizen
Presentations
Eunice Givens**

Ms. Eunice Givens, 5500 Stafford Drive, appeared before Council and stated that she disagreed with the Fort Worth Star Telegram's article reflecting a scaling back of neighborhood patrols and disbanding the Gang Task Force. She added that she was also opposed to replacing trash bags with carts relative to garbage pickup.

**Executive
Session**

It was the consensus of the City Council that they recess into Executive Session at 11:04 a.m. to:

1. Seek the advice of its attorneys concerning the following pending or contemplated litigation or other matters that are exempt from public disclosure under Article X, Section 9 of the Texas State Bar Rules, as authorized by Section 551.071 of the Texas Government Code; and
 - a) U.S. Fleet Services, Inc. v. City of Fort Worth, Cause No. 3-00-CV-0479;
 - b) Emilio Cardona, et al – Claim No. R0008074;
 - c) Annie Moody v. Clarence S. Jordan and City of Fort Worth, Cause No. 02-7931-3 (County Court at Law No. 3);

- d) LaCresha Neal, Jarman Smith and Damron Hobdy, Individually and as Representatives of the Estate of Janet Neal v. City of Fort Worth, Cause No. 342-192029-02;**
 - e) Legal issues concerning city/county jail agreement;**
 - f) Legal issues concerning Charter Cable franchise agreement;**
 - g) Cynthia DeOreo v. City of Fort Worth, Cause No. 00-08-455 (Wise County);**
 - h) Howard Construction Company v. The City of Fort Worth, Cause No. 342-181282-99;**
 - i) Fort Worth Independent School District v. Southwestern Bell Telephone Company, Cause No. 348-156227-94;**
 - j) Legal issues concerning any City Council Agenda item; and**
- 2. Discuss the purchase, sale, lease, or value of real property in accordance with Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party;**
 - 3. Deliberate concerning economic development negotiations as authorized by Section 551.086 of the Texas Government Code; and**
 - 4. Deliberate the deployment, or specific occasions for implementation of security personnel or devices, in accordance with Section 551.076 of the Texas Government Code.**

Reconvened The City Council reconvened into regular session at 12:15 p.m.

Adjournment There being no further business, the meeting was adjourned at 12:15 p.m.